

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In Re: Valdici Nogueira,)
)
)
Debtor.)
)
)
Magnolia Ridge at Virginia Center)
Property Owners Association, Inc.,)
)
)
Plaintiff,) Case No. 13-35305-KLP
) Chapter 13
v.)
)
Teresa Nogueira,)
)
and)
)
Jose Z. Nogueira Neto,)
)
and)
)
Ana Luisa Nogueira,)
)
Defendants.)

MOTION FOR RELIEF FROM CO-DEBTOR STAY

Comes now Plaintiff, Magnolia Ridge at Virginia Center Property Owners Association, ("Creditor"), by counsel, and seeks to terminate the automatic stay against the Defendants, Teresa Nogueira, Jose Z. Nogueira Neto and Ana Luisa Nogueira, (collectively "Co-Debtors") and states as follows:

Edward S. Whitlock, III, Esquire, VSB #27811
Lafayette, Ayers & Whitlock, PLC
10160 Staples Mill Road, Suite 105
Glen Allen, Virginia 23060
Telephone: (804) 545-6250
Facsimile: (804) 545-6259
Counsel for Plaintiff

1. Creditor is a Virginia incorporated homeowner's association, licensed and duly authorized to conduct business in the Commonwealth of Virginia.

2. Debtor, Valdici Nogueira and Co-Debtor, Teresa Nogueira, are believed to be married individuals residing at 10643 Runnymede Drive, Glen Allen, VA 23059 (Henrico County).

3. Co-Debtors Jose Z. Nogueira Neto and Ana Luisa Nogueira are believed to be married individuals residing at 10643 Runnymede Drive, Glen Allen, VA 23059 (Henrico County).

4. Debtor and Co-Debtors jointly owned the real estate located at 10643 Runnymede Drive, Glen Allen, VA 23059, Henrico County Tax Map #781-768-1570, in the Magnolia Ridge at Virginia Center Commons subdivision.

5. On or about October 1, 2013, Debtor filed his Chapter 13 case, number 13-35305-KLP.

6. At the time of Debtor's bankruptcy filing, Debtor and Co-Debtors owed Creditor \$1,250.82, calculated as follows:

Judgment for Association Dues thru 3/31/10:

Principal	\$385.68
Interest	<u>\$ 0.51</u>
Total	\$386.19

Judgment for Association Dues thru 3/31/11:

Principal	\$485.00
Interest	\$ 21.53
Costs	\$ 64.00
Attorney's Fees	<u>\$121.25</u>
Total	\$864.63

7. Debtor's confirmed Chapter 13 plan proposes to pay a distribution of 7% to unsecured creditors.

8. Under 11 U.S.C. § 1301 (c)(2) this Honorable Court may lift the stay against a Co-Debtor

when the plan filed by the debtor proposes not to pay such claim in full.

9. Creditor will be irreparably harmed if the automatic stay is not lifted, as other creditors may exercise rights ahead of Creditor's rights.

10. Creditor desires to have this Honorable Court lift the automatic stay against the Debtor so that Creditor can proceed against him.

NOTICE

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the Court to grant the relief sought in the motion, or if you want the Court to consider your views on the motion, then within twenty-one (21) days from the date of service of this motion, you must file a written response explaining your position with the Court at the following address:

Clerk of Court
United States Bankruptcy Court
701 East Broad Street, Suite 4000
Richmond, VA 23219

and serve a copy on the movant's attorney:

Edward S. Whitlock, III., Esq.
Lafayette, Ayers & Whitlock, PLC.
10160 Staples Mill Road, Suite 105
Glen Allen, VA 23060

Unless a written response is filed and served within this twenty-one day period, the Court may deem opposition waived, treat the motion as conceded, and issue an order granting the

requested relief without further notice or hearing.

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the expiration of the twenty-one day period.

If you do not file a written response by the deadline shown, the law provides that the stay protecting you from further legal action against you by this creditor will automatically terminate [see 11 U.S.C. §1301(d)].

WHEREFORE, Creditor, Magnolia Ridge at Virginia Center Property Owners Association, Inc., asks that the Court terminate the automatic stay against Co-Debtors, Teresa Nogueira, Jose Z. Nogueira Neto and Ana Luisa Nogueira.

Magnolia Ridge at Virginia Center Property
Owners Association, Inc.

By: /s/ Edward S. Whitlock, III, Esquire
Counsel

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Email: Ewhitlock@lawplc.com
Counsel for Magnolia Ridge at
Virginia Center Property Owners
Association, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of December, 2013 a true copy of the foregoing Motion for Relief from Co-Debtor Stay was served upon all necessary parties either electronically or by mail as follows to: Roger C. Hurwitz, Esquire, counsel for Debtor, at The Debt Law Group, PLLC., P.O. Box 5928, Glen Allen, VA 23058; Valdici Nogueira, Debtor, at his last known address of 10643 Runnymede Drive, Glen Allen, VA 23059; Teresa Nogueira, Co-Debtor, at her last known address of 10643 Runnymede Drive, Glen Allen, VA 23059; Jose Z. Nogueira Neto, Co-Debtor at his last known address of 10643 Runnymede Drive, Glen Allen, VA 23059; Ana Luisa Nogueira, Co-Debtor at her last known address of 10643 Runnymede Drive, Glen Allen, VA 23059 and Carl M. Bates, Trustee at P. O. Box 1819, Richmond, VA, 23218-1819.

/s/ Edward S. Whitlock, III, Esquire
Counsel

PROPOSED ORDER

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
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In Re: Valdici Nogueira,)
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Debtor.)
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Magnolia Ridge at Virginia Center)
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Teresa Nogueira,)
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and)
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Ana Luisa Nogueira,)
)
Defendants.)

ORDER

This matter came before the Court upon the motion by Magnolia Ridge at Virginia Center Property Owners Association, Inc., ("Creditor"), by counsel, seeking an Order terminating the automatic stay so that Creditor could proceed with collection efforts against Defendants, Teresa Nogueira, Jose Z. Nogueira Neto and Ana Luisa Nogueira (collectively "Co-debtors") for the

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Counsel for Plaintiff

homeowner association dues owed to Creditor.

It appearing that a Motion to Lift Stay as to the Co-debtors was properly filed, that proper notice was given to all relevant parties, and that the Co-debtors filed no response to the Motion to Lift Stay, it is hereby:

ORDERED that Magnolia Ridge at Virginia Center Property Owners Association, Inc.'s Motion for Relief from Automatic Stay as to the Co-debtors be and hereby is granted.

The Clerk shall transmit copies of this Order, once entered, to all those parties appearing on the attached mailing list.

ENTER: _____ / _____ / _____

United States Bankruptcy Judge

I ask for this:

Edward S. Whitlock, III, Esq., VSB # 27811
Lafayette, Ayers & Whitlock, PLC
10160 Staples Mill Road, Suite 105
Glen Allen, Virginia 23060
Telephone: (804) 545-6250
Facsimile: (804) 545-6251
Counsel for Magnolia Ridge at Virginia Center
Property Owners Association, Inc.

Seen:

Carl M. Bates, Trustee
P.O. Box 1819
Richmond, VA 23218-1819
Telephone (804) 237-6800

Local Rule 9022-1(C) Certification

I hereby certify that on the _____ day of _____, 2013 a true copy of the foregoing Order for Relief From Co-Debtor Stay was endorsed and/or served upon all necessary parties pursuant to Local Bankruptcy Rule 9022-1(C) by mail as follows to: Roger C. Hurwitz, Esquire, counsel for Debtor, at The Debt Law Group, PLLC., P.O. Box 5928, Glen Allen, VA 23058; Valdici Nogueira, Debtor, at his last known address of 10643 Runnymede Drive, Glen Allen, VA 23059; Teresa Nogueira, Co-Debtor, at her last known address of 10643 Runnymede Drive, Glen Allen, VA 23059; Jose Z. Nogueira Neto, Co-Debtor at his last known address of 10643 Runnymede Drive, Glen Allen, VA 23059; Ana Luisa Nogueira, Co-Debtor at her last known address of 10643 Runnymede Drive, Glen Allen, VA 23059 and Carl M. Bates, Trustee at P. O. Box 1819, Richmond, VA, 23218-1819.

Counsel

MAILING LIST

Edward S. Whitlock, III, Esq.
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Glen Allen, VA 23060

Roger C. Hurwitz, Esq.
The Debt Law Group, PLLC.
P.O. Box 5928
Glen Allen, VA 23058

Carl M. Bates, Trustee
P.O. Box 1819
Richmond, VA 23218-1819

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